

ENTERED
Office of Proceedings
January 12, 2022 BNSF-7
Part of
BEFORE THE Public Record
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36500

CANADIAN PACIFIC RAILWAY LIMITED, *ET AL.*
—CONTROL—
KANSAS CITY SOUTHERN; *ET AL.*

BNSF'S DESCRIPTION OF ANTICIPATED RESPONSIVE APPLICATIONS

The Board's schedule in this proceeding directs all parties intending to file responsive applications on February 28, 2022, to provide descriptions of such anticipated applications by today's date. *See Can. Pac. Ry.—Control—Kan. City S.* (Decision No. 11), FD 36500, slip op. at 2, 17 (STB served Nov. 23, 2021). BNSF Railway Company ("BNSF") anticipates that it may seek trackage rights on February 28 to ensure the preservation of effective competition in areas affecting BNSF shippers, the shippers' customers, and BNSF. In order to preserve that opportunity, BNSF hereby submits this Description of Anticipated Responsive Applications to the Board. BNSF has concurrently filed a Petition for Waiver and/or Clarification of certain Board requirements (BNSF-8).

Specifically, BNSF may file responsive applications requesting that the Board grant BNSF some or all of the following rights: (i) "springing" or contingent overhead trackage rights on a line owned by The Kansas City

Southern Railway Company (“KCS”) between Robstown, Tex. and Laredo, Tex.;¹ (ii) overhead trackage rights on a KCS line between Metro, Tex. and Bossier City, La.; and (iii) overhead trackage rights on a line owned by Soo Line Railroad Company between Savanna, Ill. and Clinton, Iowa.

Respectfully submitted,

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Dated: January 12, 2022

¹ The imposition of BNSF’s overhead trackage rights between Robstown, Tex. and Laredo, Tex. would take effect only if and when BNSF obtains the right to directly serve shippers in Mexico through a concession with the Mexican government.

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing *BNSF's Description of Responsive Applications* to be served electronically or by first-class mail, postage pre-paid, on the Secretary of Transportation, the Attorney General of the United States, Applicants' representatives, Administrative Law Judge Thomas McCarthy, and all parties of record in this proceeding.

/s/ Onika K. Williams

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January 12, 2022